

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PRECIOUS OKEREKE,,  
Plaintiff,

v.

CIVIL ACTION NO.  
12-10352-NMG

JUDGE THOMAS CONNORS, ET AL.,  
Defendant.

ORDER ON PLAINTIFF'S MOTION FOR THREE-JUDGE COURT

This case arises out of a lawsuit that plaintiff Precious Okereke commenced in the United States District Court for the Southern District of Indiana. Because the lawsuit was brought against three Massachusetts Superior Court justices, the action was transferred to the District of Massachusetts.

By Memorandum and Order dated January 11, 2013, plaintiff's motion to proceed in forma pauperis was allowed and the action was dismissed pursuant to 28 U.S.C. 1915(e)(2). See Docket No. 6. The Court recognized that the instant action is part of a repeated pattern of vexatious filings by plaintiff Okereke and the Court certified that any appeal would not be taken in good faith. Id. Plaintiff filed a motion for relief from judgement which was denied. See Docket No. 9.

Now before the Court is plaintiff's Motion for Three-Judge Court [28 USC Section 2284]. See Docket No. 10. Section 2284 of title 28 authorizes the convening of a three-judge district court to consider constitutional challenges to district apportionment or to the apportionment of any statewide legislative body. 28

U.S.C. § 2284;<sup>1</sup> City of Philadelphia v. Klutznick, 503 F. Supp. 657, 658 (E.D. Pa. 1980). Because Okereke's claims do not involve either issue, Section 2284 is thus inapplicable and plaintiff's request for a three judge panel is denied. City of Philadelphia v. Klutznick, 503 F. Supp. 657, (E.D. Pa. 1980) (denying motion; legislative history indicates that Congress intended to reduce sharply the class of cases requiring the convening of a three judge court).

Because no existing apportionment is challenged, the provisions of 2284 are not applicable. Accordingly, IT IS HEREBY ORDERED THAT Plaintiff's Motion (#10) for Three-Judge Court is DENIED.

SO ORDERED.

8/16/13  
DATE

/s/ Nathaniel M. Gorton  
NATHANIEL M. GORTON  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Section 2284 provides, in relevant part:

(a) A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.